

**SUPREME COURT MINUTES
FRIDAY, SEPTEMBER 27, 2002
SAN FRANCISCO, CALIFORNIA**

S109600

WILLIAMS v. FIRST APPELLATE DIST (PEOPLE)
Application for stay and petition for writ of mandate
denied.

S108991

F034241 Fifth Appellate District

ROMO et al. v. FORD MOTOR
Time extended to grant or deny review

to and including November 4, 2002.

S109033G027144 Fourth Appellate District,
Division Three

CLARK v. FARALLON GATEWAY
Time extended to grant or deny review

to and including November 5, 2002.

S109093

C041454 Third Appellate District

WILLIAMS v. W.C.A.B. (STATE
COMPENSATION APPEALS BOARD)
Time extended to grant or deny review

to and including November 8, 2002.

S109217B152722 Second Appellate District,
Division Four

GAULT (RUPERT) v. MODERN CONTINENTAL/
ROADWAY CONSTRUCTION CO. INC., J.V.
Time extended to grant or deny review

to and including November 14, 2002.

S043628

PEOPLE v. CARRINGTON (CELESTE)
Extension of time granted

to December 2, 2002 to file appellant's
opening brief. The court anticipates that after
that date, only four further extensions totaling
240 additional days will be granted. Counsel
is ordered to inform his or her assisting

attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S054569

PEOPLE v. WHALEN (DANIEL L.)
Extension of time granted

to December 2, 2002 to file appellant's opening brief.

S065707

PEOPLE v. PAGE (TERRANCE C.)
Extension of time granted

to November 19, 2002 to file appellant's opening brief. The court anticipates that after that date, only four further extensions totaling 240 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S090162

CUDJO (ARMENIA LEVI) ON H.C.
Extension of time granted

to November 4, 2002 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon Deputy Federal Public Defender Linda L. Griffis's representation that she anticipates filing that document by November 2, 2002.

S108751

B121021 Second Appellate District,
Division Four

WINTER v. DC COMICS
Extension of time granted

Respondent's time to serve and file the opening brief is extended to and including November 11, 2002. No further extensions of time are contemplated.

S108353

F036961 Fifth Appellate District

PEOPLE v. HOWARD

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Madeline McDowell is hereby appointed to represent appellant on his appeal now pending in this court. Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

S108322

GARCIA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ERNEST DAVID GARCIA, State Bar No. 88416**, be suspended from the practice of law for four years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for two years and until he complies with standard 1.4(c)(ii) as set forth above. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 23, 2002. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S108324

PEROUTKA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DALE JOHN PEROUTKA, State Bar No. 74901**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years on conditions including that he be actually suspended for six months and until he makes restitution to Santa Ana Health Center (or the Client Security Fund, if appropriate) in the amount of \$2000 plus 10% interest per annum from September 12, 1996, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on April 22, 2002, as modified by its order filed May 31, 2002. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S108325**CARAWAY ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **WILLIAM LEROY CARAWAY, State Bar No. 31517**, be summarily disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S108327**SMITH ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **LAWRENCE HELM SMITH, State Bar No. 175615**, be suspended from the practice of law for one year and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days and until he makes restitution to Timothy Mann in the amount of \$1125 plus 10% per annum from November 20, 2001; and until he makes restitution to Paul Quintero in the amount of \$2000 plus 10% per annum from September 15, 2001, (or the Client Security Fund, if appropriate) and furnishes satisfactory proof thereof to the Probation Unit, Office of the Chief Trial Counsel. If respondent is actually suspended for two years or he shall remain actually suspended until he complies with standard 1.4(c)(ii) as set forth above. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed May 29,

2002. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is later. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent remains actually suspended for 90 days or more, he shall comply with the provisions of subdivisions (a) and (c) of rule 955, Cal. Rules of Court, within 120 days and 130 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S108328

BAUMGARTEN ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **JOAN BAUMGARTEN, State Bar No. 108909**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S108538

LEBEAU ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **MORGAN MORRIS LEBEAU, State Bar No. 125830**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules

of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S108955

MADSEN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **CATHERINE ANNE MADSEN, State Bar No. 189917**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for two years and until she makes restitution to Scott Branch (or the Client Security Fund, if appropriate) in the amount of \$2200 plus 10% interest per annum from December 14, 2000, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on May 3, 2002; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of her actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a)

and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S108957

CIANO ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **DARREL JOHN CIANO, State Bar No. 117551**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys.

Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S110185

MARQUEZ ON RESIGNATION

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **ROBERT B. MARQUEZ, State Bar No. 128147**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S110187**WALKER ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **CRAIG E. WALKER, State Bar No. 69502**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S110196**SAMUELS ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **LEONARD MICHAEL SAMUELS, State Bar No. 162247**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)